

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

RICHARD R. WAKELEY, JR,

Plaintiff,

v.

BANK OF AMERICA,

Defendant.

NO: 13-CV-0109-TOR

ORDER OF DISMISSAL WITHOUT
PREJUDICE

BEFORE THE COURT are Plaintiff's Motion to Voluntarily Dismiss
Complaint (ECF No. 22), a Motion for Extension of Time to Amend Complaint
(ECF No. 20), and a Motion Requesting Legal Party Status (ECF No. 18).

Plaintiff, a prisoner at the Monroe Correctional Complex, Twin Rivers Unit, is
proceeding *pro se* and *in forma pauperis*.

Plaintiff seeks to voluntarily dismiss this action pursuant to Federal Rule of
Civil Procedure 41(a). Because Defendants have not been served in this action,
Plaintiff has an absolute right to dismiss his case. Fed. R. Civ. P. 41(a)(1)(A)(ii).

1 Although granted the opportunity to do so, Plaintiff did not file a separate
2 Motion and Affidavit to waive the remaining balance of the filing fee as directed.
3 Therefore, Plaintiff still is obliged to pay the full filing fee for this action pursuant
4 to 28 U.S.C. § 1915(b).

5 **IT IS HEREBY ORDERED:**

6 Plaintiff's Motion to Voluntarily Dismiss Complaint (ECF No. 22) is
7 **GRANTED**. Plaintiff's Complaint is **DISMISSED without prejudice**. All
8 pending Motions are **DENIED as moot**.

9 The District Court Executive is directed to enter this Order, enter judgment
10 of dismissal without prejudice, forward a copy to Plaintiff, and **CLOSE** the file.

11 **DATED** July 24, 2013.



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A handwritten signature in blue ink that reads "Thomas O. Rice".

THOMAS O. RICE
United States District Judge